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January 22, 2003

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JAN 22 2003

The Honorable Michael Powell, Chairman  
Federal Communications Commission  
345 Twelfth Street, S.W., 8<sup>th</sup> Floor  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: **Further Supplemental *Ex Parte* Presentation**  
**CC Docket Nos. 96-98, 01-338**

Dear Chairman Powell,

On December 4, 2002, the Association for Communications Enterprises ("ASCENT") submitted an *ex parte* presentation outlining a market based proposal for UNE-P's, the subject of the above referenced proceedings. On behalf of ASCENT and its affiliated companies, we herewith submit the affidavit of Jack Dayan, CEO of Spectrotel, Inc. d/b/a Plan B Communications, in support of the UNE-P market based proposal. Please associate the attached affidavits with the initial *ex parte* presentation submitted by ASCENT on December 4, 2002.

Questions or concerns regarding this submission should be addressed to the undersigned

Sincerely,



William B. Wilhelm, Esq  
Counsel for ASCENT

cc: Commissioner Kathleen Abernathy  
Commissioner Kevin J. Martin  
Christopher Libertelli  
Matthew Brill  
William Maher, Chief  
Richard Lerner  
Michelle Carey  
Tom Navin  
Rob Tanner

Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Jordan Goldstein  
Dan Gonzalez  
Jeffrey Carlisle  
Scott Bergmann  
Brent Olson  
Jeremy Miller  
Marlene H. Dortch, Secretary

Do. of Com. reg'd  
LIST ARCADE

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## **AFFIDAVIT**

State of **New Jersey**

County of **Monmouth**

I, Jack Dayan, hereby affirm that I am the CEO of Spectrotel, Inc. d/b/a Plan B Communications. In this capacity I am responsible for overall strategy, operating results and increasing company value.

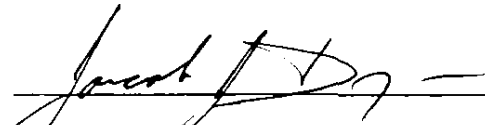
Spectrotel, Inc. is a provider of local and long distance telephone service operating in six (6) states within the Northeast, with a majority of its existing business in New York, New Jersey, Massachusetts and Pennsylvania. To deliver local services to its customers, Spectrotel currently utilizes Verizon's UNE-P service. At present, Spectrotel, Inc. has over 15,000 customers, most of which are small-to-medium sized business customers or residential subscribers. Spectrotel is well regarded by both its customers and its suppliers. The company employs 65 full time professionals who are dedicated to assuring complete customer satisfaction.

**As** a competitive provider of local telecommunications service, a transition by the Federal Communications Commission away from UNE-P is certain to disrupt my company's ability to continue to provision service to its customers. Of particular concern is the company's ability to purchase a combination of wholesale switching, loops and ports as a UNE.

It is not possible, nor economically feasible, for Spectrotel, Inc. to self-provision local switching services at this time. Were the FCC to forebear from requiring the ILECs to provision switching services as a UNE, the company would be unable to obtain reliable substitute switching services at reasonable rates.

The only economical method for Spectrotel to continue to service both the small and medium size business customer and residential subscriber is to utilize the Incumbent Local Exchange carrier. For Spectrotel this means utilizing Verizon UNE-P service. Verizon is the only local exchange carrier that provides the switched services needed to offer a competitive product for customers in Spectrotel's service territories. Although there are other local exchange carriers that have switching capabilities, their footprint is limited to the metropolitan areas and are typically designed to service larger customers' local service requirements.

In the absence of a competitive wholesale market for switching services, it is unreasonable to believe that the incumbent would have any incentive to provision services at reasonable rates. Accordingly, until such a market exists on a central office, by central office basis, there is little doubt that Spectrotel, Inc. would be impaired from provisioning services to its customers absent the availability of UNE switching services.

  
\_\_\_\_\_  
(Signature of affiant)  
Subscribed and sworn to before me, a Notary Public/  
Pharmouth County, New Jersey

in the State and County above named, this 13 day of

January W, 2002.  
Louise M. Johnson 3

**LOUISE M. JOHNSON**  
**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires July 10, 2005**